

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

CRAIG B. PUNCH §
VS. § CIVIL ACTION NO. 1:06cv117
DIRECTOR, TDCJ-CID §

MEMORANDUM OPINION AND ORDER

Petitioner Craig B. Punch, an inmate at the Gist Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se* and *in forma pauperis*, brought this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.


Discussion

On June 27, 2006, petitioner filed a motion to dismiss the above-styled petition pursuant to Federal Rule of Civil Procedure 41(a). Petitioner is entitled to voluntarily dismiss his action prior to the service by the adverse party of an answer or of a motion for summary judgment, whichever first occurs. FED. R. CIV. P. 41(a)(1). As the respondent has not been served in this action, petitioner's motion to dismiss should be granted.

O R D E R

For the foregoing reasons, petitioner's motion to dismiss the action is hereby **GRANTED**. A final judgment will be entered dismissing this action pursuant to Fed. R. Civ. P. 41(a).

SIGNED this the **30** day of **June**, 2006.


Thad Heartfield
United States District Judge